

REMARKS/ARGUMENTS

Reconsideration and allowance are respectfully requested. No new matter is added by the amendments made herein.

Amendments to Fig. 1

It is respectfully submitted that the amendments to Fig. 1 as submitted herewith do not add any new matter, and are merely made to correct typographical errors so as to conform to the text specification.

In particular, element 36 is changed from “Copy Protection Encoder” to “Copy Protection Decoder,” so as to be consistent with the specification at page 5, line 10 (all citations are to publication PCT/US2005/002623).

Also, element 60 is changed from “Copy Protection Dencoder” to “Copy Protection Decoder,” so as to be consistent with the specification at page 6, lines 13-14.

Also, element 68 is changed from “Copy Protection Dencoder” to “Copy Protection Encoder,” so as to be consistent with the specification at page 6, lines 14-15.

Claim Objection

Claim 28 is objected to for a grammatical error. Claim 28 is canceled, and so the objection is moot.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 28 is rejected for not containing sufficient antecedent basis for a claim term. Claim 28 is canceled, and so it is respectfully submitted that the rejection is moot.

Art-Based Claim Rejections

The claims are rejected as follows:

- Claims 1, 16, 19, and 26 are rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Publication No. 2003/0135860 to Dureau (“Dureau”).

- Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of U.S. Publication No. 2003/0046686 A1 to Candalore ("Candalore").
- Claims 3-5, 13-15, and 20-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of U.S. Publication No. 2005/0022253 A1 to Chen ("Chen").
- Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of U.S. Publication No. 2004/0246373 A1 to Kadano ("Kadano").
- Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of Candalore.
- Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, further in view of Candalore, and further in view of U.S. Patent No. 7,073,187 to Hendricks ("Hendricks").
- Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, further in view of Candalore, still further in view of Hendricks, and even further in view of U.S. Patent No. 5,757,909 to Park ("Park").
- Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged combination of five references: Dureau in view of Chen, further in view of Candalore, still further in view of Hendricks, even further in view of Park, and still further in view of U.S. Patent No. 6,567,127 to Orr ("Orr").
- Claims 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of U.S. Publication No. 2002/0091771 A1 to Agraharam ("Agraharam").
- Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of Hendricks.

- Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of U.S. Publication No. 2002/0092021 to Yap (“Yap”).
- Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Candalore, and further in view of Hendricks.
- Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Candalore, further in view of Hendricks, and still further in view of Chen.

Applicant respectfully traverses these rejections in view of the amendments and arguments herein.

Independent Claim 3

Independent claim 3 recites “demultiplexing the first transport stream to recover first and second payloads; transcoding the second payload to a protocol associated with the first payload if a protocol associated with the second payload is dissimilar from the protocol associated with the first payload; and multiplexing the first payload and the transcoded second payload to a second transport stream.”

The Office Action alleges that Dureau discloses the recited demultiplexing and transcoding, but does not teach or suggest the recited multiplexing. Instead, the Office Action relies on Chen, proposing to modify Dureau by multiplexing transcoded payloads with non-transcoded payloads.

According to the Office Action, such multiplexing would be performed “in order to deliver the desired payload to the user.” Office Action, p. 7. In other words, according to the Office Action, Dureau by itself is not capable of delivering desired payloads to users, and that it needs to be modified by Chen to make it work. Applicant respectfully disagrees. Dureau *already* delivers the desired payload to the user, even without such multiplexing. Applicant therefore respectfully submits that the reasoning for modifying Dureau is flawed, and so a *prima facie* case of obviousness has not been established.

Moreover, even if combined as proposed, the combined system still would not operate as claimed. In Fig. 1, Chen discloses demultiplexing an audio stream from a video stream containing advertisements, transcoding the video stream, and then re-multiplexing the two streams together. So, if one were to compare these streams with claim 3, then one might compare the demultiplexed audio stream of Chen with the recited first payload and the demultiplexed video stream of Chen with the recited second payload. However, the second payload is not transcoded *to a protocol associated with the first payload*, as recited in claim 3. For example, in Chen, the video stream is not transcoded to the same or a similar protocol as the audio stream. Instead, the transcoding is for managing the video and adjusting for variable bandwidth and other video parameters. Chen, paragraph 0022.

In addition, the transcoding and multiplexing of Chen occurs at the headend (Chen, paragraph 0005), and thus would most likely be incorporated into the headend multiplexor 220 of Dureau (Fig. 2, in which 220 is part of broadcast station 16). Accordingly, such a combined system would multiplex long before the transcoding of Dureau is performed by downstream proxy server 12 or 340 (Dureau, Figs. 1 and 3).

For at least these reasons, it is submitted that claim 3 is allowable over Dureau and Chen, either alone or in combination.

Independent Claims 29 and 32

Independent claims 29 and 32 are also allowable for at least similar reasons as discussed above with regard to claim 3.

Dependent Claims

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein. Nor do the remaining asserted references overcome the above-discussed deficiencies of Dureau and Chen.

Conclusion

All objections and rejections having been addressed, it is submitted that the present application is in condition for allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: /Jordan N. Bodner/
Jordan N. Bodner
Registration No. 42,338

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
(202) 824-3000

Dated: May 29, 2009